THE HONOURABLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No :24795 of 2007

DATED:22-11-2007

BETWEEN:
S.Indira.

..... PETITIONER

AND

The District Collector,
Machilipatnam,
Krishna District & 4 others.

.....RESPONDENTS

ORDER:

Heard learned counsel appearing for the petitioner; learned Government Pleader for Revenue; and the learned Government Pleader for Agriculture appearing for the respondents.

2. Petitioner seeks a writ of mandamus declaring the action of the respondents 1 to 4 in not taking action against the 5th respondent for carrying on unauthorized and illegal business of selling milk and dairy products in Ryot bazar, Ibrahimpatnam, Krishna District, as illegal and arbitrary.

3. It is the case of the petitioner that she being a diseased lady affected with HIV, the 2nd respondent-Joint Collector, Machilipatnam, allotted stall No.33 in 'HIV quota' vide order, dated 29-11-2005, for selling milk and diary products and she has been selling the same. Whileso, without there being any allotment order for the sale of the similar products 5th respondent is conducting the same business.

4. Learned counsel appearing for the respondents 4 and 5 submits that the 5th respondent was also allotted stall No.1 in the said ryot bazar, Ibrahimpatnam and therefore, it cannot be said that the 5th respondent is selling the same products without any order of allotment of the stall.

5. Learned counsel appearing for the petitioner contends that

except the petitioner no other person is entitled to sell the said products. I am unable to accept the said contention as there was no rule or condition imposed in the allotment order. Therefore, I do not see any merits in this Writ Petition.

6. Accordingly, Writ Petition is dismissed. There shall be no order as to costs.

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V.ESWARAIAH,J

22nd November, 2007.
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